

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

vs

Case Number. 8:08-cr-172-T-35EAJ

USM Number: 81954-004

SIMON ANDREW ODONI

Bjorn Erik Brunvand, CJA

JUDGMENT IN A CRIMINAL CASE

The defendant was found guilty to Counts One, Two, Three, Eleven, Eighteen, Nineteen, Twenty, Twenty-One, Twenty-Two, Twenty-Three, Twenty-Four, Twenty-Five, Twenty-Six, Twenty-Seven, Twenty-Eight, Twenty-Nine, Thirty, Thirty-One, Thirty-Two, Thirty-Three, Thirty-Four, Thirty-Five, and Thirty-Six of the Superseding Indictment. Accordingly, the court has adjudicated that the defendant is guilty of the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. § 1349	Conspiracy to commit mail and wire fraud.	March 13, 2008	One
18 U.S.C. § 1349	Conspiracy to commit wire fraud.	March 13, 2008	Two
18 U.S.C. § 1956	Conspiracy to Commit Money Laundering.	March 13, 2008	Three
18 U.S.C. § 1957	Illegal monetary transaction.	June 7, 2006	Eleven
18 U.S.C. § 1341	Mail fraud	June 22, 2005	Eighteen
18 U.S.C. § 1341	Mail fraud.	July 14, 2005	Nineteen
18 U.S.C. § 1341	Mail fraud.	July 27, 2005	Twenty
18 U.S.C. § 1341	Mail fraud.	August 3, 2005	Twenty-One
18 U.S.C. § 1341	Mail fraud.	January 12, 2006	Twenty-Two
18 U.S.C. § 1341	Mail fraud.	February 23, 2006	Twenty-Three
18 U.S.C. § 1341	Mail fraud.	March 1, 2006	Twenty-Four
18 U.S.C. § 1341	Mail fraud.	June 8, 2006	Twenty-Five
18 U.S.C. § 1341	Mail fraud	September 28, 2006	Twenty-Six
18 U.S.C. § 1341	Mail fraud.	October 12, 2006	Twenty-Seven
18 U.S.C. § 1343	Wire fraud.	June 30, 2005	Twenty-Eight
18 U.S.C. § 1343	Wire fraud.	July 13, 2005	Twenty-Nine
18 U.S.C. § 1343	Wire fraud.	July 19, 2005	Thirty
18 U.S.C. § 1343	Wire fraud.	July 21, 2005	Thirty-One
18 U.S.C. § 1343	Wire fraud.	August 16, 2005	Thirty-Two
18 U.S.C. § 1343	Wire fraud.	February 1, 2006	Thirty-Three
18 U.S.C. § 1343	Wire fraud.	February 22, 2006	Thirty-Four

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18 U.S.C. § 1343	Wire fraud.	February 28, 2006	Thirty-Five
18 U.S.C. § 1343	Wire fraud.	May 3, 2006	Thirty-Six

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:

July 23, 2013


MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

July30, 2013

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **ONE HUNDRED AND SIXTY (160) Months**. This term consists of ONE HUNDRED (100) Months as to Counts One through Three and Eighteen through Thirty-Six of the Superseding Indictment. SIXTY (60) Months as to Count Eleven of the Superseding Indictment, to run consecutively to the term imposed as to Counts One through Three and Eighteen through Thirty-Six. Defendant to receive credit for time served while in Federal Custody.

The defendant is remanded to the custody of the United States Marshal to await designation by the Bureau of Prisons.

The Court recommends to the Bureau of Prisons that the Defendant serve his term of imprisonment at FCI Coleman, Low in order to insure his successful matriculation through the system and in light of his status as a first time offender and in light of the absence of any violent behavior by the Defendant.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THIRTY-SIX (36) Months** as to Counts One through Three, Eleven, and Eighteen through Thirty-Six of the Superseding Indictment, all such terms to run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons. The defendant shall not commit another federal, state or local crime. The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The mandatory drug testing requirements of the Violent Crime Control Act are waived. However, the Court orders the defendant to submit to random drug testing not to exceed 104 tests per year.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervision that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervision in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. the defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. The defendant shall be prohibited from incurring new credit charges, opening additional lines of credit, or making an obligation for any major purchases without approval of the Probation Officer.
2. You shall provide the probation officer access to any requested financial information.
3. Should the defendant be deported, he shall not be allowed to re-enter the United States without the express permission of the appropriate governmental authority.
4. The defendant shall cooperate in the collection of DNA, as directed by the Probation Officer.

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments.

Total Assessment

\$2,300.00

Total Fine

waived

Total Restitution

not ordered

SCHEDULE OF PAYMENTS

Special assessment shall be paid in full and is due immediately.

FORFEITURE

Defendant shall forfeit to the United States those assets previously identified in the Order of Forfeiture, that are subject to forfeiture.

The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No. 8:08-cr-172-T-35EAJ

SIMON ANDREW ODONI
_____ /

**FORFEITURE MONEY JUDGMENT AND PRELIMINARY
ORDER OF FORFEITURE FOR SPECIFIC ASSETS**

Before the Court is the United States' Motion for a Forfeiture Money Judgment in the amount of \$137,263,228.00 against defendant Simon Andrew Odoni, and a Preliminary Order of Forfeiture for the following assets, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure:

a. Real Property

- 1) 21 acres of real property known as Block 60000, Parcel 7, Chalk Sound, Norway & Five Cays, Providenciales, Turks & Caicos Islands, British West Indies;
- 2) Real property located at Plot 11-B, P.D. No. 5, Title No. 96-482, Las Yaguas Magante, Municipality of Gaspar Hernandez, Espaillat Province, Dominican Republic;
- 3) Real property located at Plot 11-C, P.D. No. 5, Title No. 97-431, Las Yaguas Magante, Municipality of Gaspar Hernandez, Espaillat Province, Dominican Republic;

- 4) Plot 11-D, P.D. No. 5, Title No. 99-132, Las Yaguas Magante, Municipality of Gaspar Hernandez, Espaillat Province, Dominican Republic;
- 5) Real property located at Plot No. 924, P.D. No. 3, Title No. 80-23, Municipality of Cabrera, Rio San Juan, Sector Mata Puerco, Dominican Republic;
- 6) Real property located at Plot No. 12, P.D. No. 6, Las Terrenas Municipality, Province of Samaná, Dominican Republic;

b. Bank Accounts

- 1) \$87,677.32 seized from Bank of America Account No. 11580125, held in the name of International Escrow Enterprises Inc.;
- 2) \$550,521.26 seized from Bank of America Account No. 11580141, held in the name of International Escrow Enterprises Inc.;
- 3) \$32,868.86 seized from SunTrust Bank Account No. 0908007021976, held in the name of Paul Gunter;
- 4) \$99,909.60 seized from SunTrust Bank Account No. 1000026485648, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Operating Account;
- 5) \$8,123.18 seized from SunTrust Bank Account No. 1000026485655, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Escrow 1;
- 6) \$100.00 seized from SunTrust Bank Account No. 1000031661332, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES

Mundus 1;

- 7) \$22,360.59 seized from SunTrust Bank Account No. 1000031661340, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Mobilestream 2;
- 8) \$4,439.16 seized from SunTrust Bank Account No. 1000031661357, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Mobilestream 3;
- 9) \$100.00 seized from SunTrust Bank Account No. 1000031661365, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Mobilestream 4;
- 10) \$78,115.09 seized from SunTrust Bank Account No. 1000031661373, held in the name of Business Administration & Escrow Services Inc. d/b/a BAES Mobilestream 5;
- 11) \$137,848.20 seized from SunTrust Bank Account No. 1000057968017, held in the name of Equinox Escrow Inc. Equinox 2;
- 12) \$42,231.82 seized from SunTrust Bank Account No. 1000057968082, held in the name of Equinox Escrow Inc. Operating Account;
- 13) \$37,833.43 seized from SunTrust Bank Account No. 1000057968090, held in the name of Equinox Escrow Inc. Equinox 1;
- 14) \$8,855.61 seized from Wachovia Bank Account No. 2000027145043, held in the name of International Escrow Enterprises Inc. Administration;

- 15) \$264,847.49 seized from Wachovia Bank Account No. 2000027145056, held in the name of International Escrow Enterprises Inc. Escrow I;
- 16) \$86,911.56 seized from Washington Mutual Bank Account No. 0181-0000042243-4, held in the name of Equinox Escrow Inc. "Escrow 3;"
- 17) \$100.00 seized from Washington Mutual Bank Account No. 0181-0000042244-2, held in the name of Equinox Escrow Inc. "Escrow 2;"
- 18) \$485,619.69 seized from Washington Mutual Bank Account No. 0181-0000042245-0, held in the name of Equinox Escrow Inc. "Escrow 1;"
- 19) \$103,725.04 seized from Washington Mutual Bank Account No. 0181-0000042246-8, held in the name of Equinox Escrow Inc. Operating Account;
- 20) \$73,213.83 seized from Washington Mutual Bank Account No. 0188-0000209955-0, held in the name of Equinox Escrow Inc. "Escrow 4;"
- 21) \$494,684.13 seized from Washington Mutual Bank Account No. 0188-0000209956-8, held in the name of Equinox Escrow Inc. "Escrow 5;"
- 22) \$100.00 seized from Washington Mutual Bank Account No. 0188-0000209957-6, held in the name of Equinox Escrow Inc. "Escrow 6;"
- 23) \$35,603.46 seized from Washington Mutual Bank Account No. 0309-0000192764-7, held in the name of Hometown Properties of Florida Development, Inc.;
- 24) \$17,824.88 seized from Washington Mutual Bank Account No. 0309-0000192765-5, held in the name of Hometown Properties of Suncoast Inc.;

- 25) \$30,295.58 seized from Washington Mutual Bank Account No. 0313-0000135378-6, held in the name of Paul R. Gunter;
- 26) Contents of Credit Suisse Bank Account No. 0835-961472-6, Switzerland, held in the name of Coralmar Ltd;
- 27) Contents of Banco Cuscatlan de Costa Rica Account Number 36017429, held in the name of Paola A. Barba Barba;
- 28) \$550,000.00 in United States currency on deposit in Banco Cuscatlan De Panama, account number 10010100021 held in the name of M.W.W. International Services Group;
- 29) Approximately \$4,907.00 from Bank of Cyprus Account No. 155-40-06-568992, held in the name of Suncoast Management LTD and/or Paul Gunter;
- 30) Approximately \$3,343.89 from Bank of Cyprus Account Number 0155-40-48-491760, held in the name of Yes Investments;
- 31) Approximately \$486.38 from Bank of Cyprus Account Number 0155-40-01-493615, held in the name of Yes Investments;
- 32) Approximately \$5,564.00 from Bank of Cyprus Account Number 0155-42-06-126504, held in the name of Yes Investments;
- 33) Approximately \$4.00 from Bank of Cyprus Account Number 0155-40-06-486228, held in the name of Yes Investments;

c. Aircraft

One 1968 Beech King Aircraft, Model B-90, fixed wing multi-engine turbo-prop; FAA Tail No. N9426; Serial No. LJ421;

d. Vehicles

- 1) One 2006 Nissan Titan Pick-up Truck
Vehicle Identification No. 1N6BA06A56N507071
Registered Owner: Home Town Properties of Florida Development, Inc.;
- 2) One 2007 Hyundai Tucson GLS
Vehicle Identification No. KM8JM12B27U557116
Registered Owner: Paul Gunter;
- 3) One 2005 Nissan Frontier Pick-up Truck
Vehicle Identification No.: 1N6AD07UX5C454096
Registered Owner: Home Town Properties Suncoast, Inc.;
- 4) 1973 Ferrari 365GTB/4 Daytona Spider Coupe
Vehicle Identification No. 365GTB4/A16761
Registered Owner: Simon Andrew Odoni or
Nicholas John Parrington;

e. Vessels

One 1990 55-foot Ocean Sports Fisherman Hull Identification No. XYU 16555G990, named "No Slack,"

f. Currency

- 1) \$699,045.00 held in the Registry of the Clerk of Court, which was repatriated by Paul Robert Gunter from the Bank of Cyprus, and deposited into the Registry of the Clerk of Court, pursuant to Judge Thomas B. McCoun, III's, Conditional Order of Release (Doc. 22, at 3);
- 2) \$18,474.03 held in the Registry of the Clerk of Court, which was repatriated from Caja De Ahorros Y Pensiones de Barcelona Bank Account (a/k/a La Caixa Bank) Number ES 66 2100 3038 1822 0053 2357 or Number ES 66 2100 2878 6002 0068 4162, belonging to Paul Robert

Gunter, and deposited into the Registry of the Clerk of Court, pursuant to Judge Thomas B. McCoun, III's, Conditional Order of Release (Doc. 22, at 3); and

- 3) \$15,512.38 held in the Registry of the Clerk of Court, which was repatriated from Caja De Ahorros Y Pensiones de Barcelona Bank Account (a/k/a La Caixa Bank) Number ES 66 2100 3038 1822 0053 2357 or Number ES 66 2100 2878 6002 0068 4162, belonging to Paul Robert Gunter, and deposited into the Registry of the Clerk of Court, pursuant to Judge Thomas B. McCoun, III's, Conditional Order of Release (Doc. 22, at 3).

Being fully advised in the premises, the Court finds as follows:

1. The amount of proceeds obtained as a result of the mail and wire fraud conspiracy, in violation of 18 U.S.C. § 1349, as charged in Count One of the Superseding Indictment, and the wire fraud conspiracy, in violation of 18 U.S.C. § 1349, as charged in Count Two of the Superseding Indictment, for which Odoni has been convicted, is at least \$137,263,228.00. Thus, the United States is entitled to a Forfeiture Money Judgment in that amount, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. 2461(c).

2. The United States has established the requisite nexus between the assets sought for forfeiture and the mail and wire fraud conspiracies, in violation of 18 U.S.C. § 1349, charged in Counts One and Two of the Superseding Indictment; the money laundering conspiracy, in violation of 18 U.S.C. § 1956(h), charged in Count Three; the substantive money laundering offense charged in Count Eleven, mail fraud and wire fraud offenses charged in Counts Eighteen

through Twenty-Seven, and Twenty-Eight through Thirty-Six, for which defendant was convicted by the Jury (Doc. 780). Thus, the United States is entitled to forfeiture of the described assets, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(a)(1). Accordingly, it is hereby

ORDERED and ADJUDGED that for good cause shown, the United States' motion is **GRANTED**.

It is **FURTHER ORDERED** that defendant Simon Adrew Odoni is jointly and severally liable for a forfeiture money judgment in the amount of \$137,263,228.00, pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure. Under 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c), the United States is entitled to forfeit any assets belonging to the defendant up to and including the amount of \$137,263,228.00 to satisfy this money judgment.

It is **FURTHER ORDERED** that, pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), 18 U.S.C. § 982(a)(1), and Rule 32.2(b)(2), all right, title, and interest of defendant Simon Andrew Odoni in the assets described above are **FORFEITED** to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853, as incorporated under 28 U.S.C. § 2461(c) and 18 U.S.C. § 982(b)(1). The net proceeds from the disposition of the forfeited assets will be credited toward the \$137,263,228.00 forfeiture money judgment.

The Court retains jurisdiction to enter any further order necessary for the forfeiture and disposition of these assets and any other assets belonging to the defendant that the United States is entitled to seek as a substitute asset to satisfy the \$137,263,228.00 money judgment, and to address any third party claim that may be asserted in these proceedings.

DONE and ORDERED in Tampa, Florida, on this 11th day of July, 2013.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies to:
All Counsel of Record